

REMARKS

This Amendment is in reply to the Office Action of August 2, 2007. The Office Action indicated that Claims 1-19 are pending and rejected. With this Amendment, Claims 1, 9 and 12 are amended, and new Claims 20-23 are added. Claims 1-23 are presented for reconsideration and allowance.

AMENDMENTS TO THE SPECIFICATION AND DRAWINGS

FIGS. 4 and 5 are amended to add new reference numbers 130, 132, 134, 136, 138, 140, 142, 144, 146, 150, 152, 154, 156, 160, and 162. The addition of reference numbers to drawings does not introduce new matter. A REPLACEMENT SHEET is included with this Amendment.

The paragraph beginning on page 7, line 18 of the specification is amended. Support for the amendment to the specification can be found at least in originally filed FIGS. 4-5. No new matter is introduced by the amendment to the specification. Acceptance of the amendment to the specification and the replacement drawing sheet is therefore requested.

Claim Rejections under 35 USC 102

In paragraph 4 of the Office Action, Claims 1-5 were rejected under 35 USC 102(b) over Ura et al. WO 01/080331, using US 2003/0017383 as an equivalent English translation.

With this Amendment, Claim 1 is amended to include limitations to the first and second thicknesses and first and second thermal conductivities of the first and second layers conforming the cover to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell.

Ura et al. does not disclose first and second thicknesses and first and second thermal conductivities of the first and second layers conforming the cover to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell as presently Claimed in Claim 1. Claim 1 is thus believed to be novel.

Withdrawal of the rejection of Claim 1 and dependent Claims 2-5 are therefore requested. Reconsideration and allowance of Claims 1-5 are requested.

In paragraph 5 of the Office Action, Claims 12 and 16 were rejected under 35 USC 102(b) over Stafford et al. US 5,763, 118.

With this Amendment, Claim 12 is amended to include limitations to selecting the first and second thicknesses and the first and second values of thermal conductivity of first and second layers to conform the cover to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell.

Stafford et al. does not disclose selecting the first and second thicknesses and the first and second values of thermal conductivity of first and second layers to conform the cover to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell as presently claimed in Claim 12. Claim 12 is thus believed to be novel.

Withdrawal of the rejection of Claim 12 and dependent Claim 16 under 35 USC 102 is therefore requested. Reconsideration and allowance of Claims 12 and 16 are requested.

Claim Rejections under 35 USC 103

In paragraph 7 of the Office Action, Claims 6 and 7 were rejected under 35 USC 103(a) over Ura et al. in view of a Patent Abstract of Toyoda Publication No. JP 2001-243927.

Neither Ura et al. nor Toyoda, taken singly or in combination, teach or suggest the limitations of Claim 1 from which Claims 6 and 7 depend. The additional limitations of Claims 6 and 7, when taken in combination with the limitations of Claim 1 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claims 6 and 7 are therefore requested.

In paragraph 8 of the Office Action, Claim 8 was rejected under 35 USC 103(a) over Ura et al. in view of Koehler et al. EP 0177225.

Neither Ura et al. nor Koehler, taken singly or in combination, teach or suggest the limitations of Claim 1 from which Claim 8 depends. The additional limitations of Claim 8, when taken in combination with the limitations of Claim 1 are also believed to be not obvious and

patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 8 are therefore requested.

In paragraph 9 of the Office Action, Claims 9 and 10 were rejected under 35 USC 103(a) over Stafford et al. US 5,763,118 in view of Miller et al. US 5,204,194.

With this Amendment, Claim 9 is amended to include limitations to first and second thicknesses and the first and second values of thermal conductivity of first and second layers that conform the battery to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell.

Neither Stafford et al. nor Miller et al., taken singly or in combination, teach or suggest first and second thicknesses and the first and second values of thermal conductivity of first and second layers that conform the battery to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of the electrical energy storage cell as presently claimed in Claim 9. Claim 9 is thus believed to be not obvious and to be patentable.

Withdrawal of the rejection of Claim 9 under 35 USC 103 is therefore requested. Reconsideration and allowance of Claim 9 is requested.

Neither Stafford et al. nor Miller et al., taken singly or in combination, teach or suggest the limitations of Claim 9 from which Claim 10 depends. The additional limitations of Claim 10, when taken in combination with the limitations of Claim 9 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 10 are therefore requested.

In paragraph 10 of the Office Action, Claim 11 was rejected under 35 USC 103(a) over Stafford et al. in view of Miller et al. and further in view of Maggert et al. US 6,724,170. Neither Stafford et al. nor Miller et al., nor Maggert et al., taken singly or in combination, teach or suggest the limitations of Claim 9 from which Claim 11 depends. The additional limitations of Claim 11, when taken in combination with the limitations of Claim 9 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 11 is therefore requested.

In paragraph 11 of the Office Action, Claims 13 and 14 were rejected under 35 USC 103(a) over Stafford et al. in view of Dansui et al. US 2003/0013009.

Neither Stafford et al. nor Dansui et al., taken singly or in combination, teach or suggest the limitations of Claim 12 from which Claims 13 and 14 depend. The additional limitations of Claims 13 and 14, when taken in combination with the limitations of Claim 12 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claims 13 and 14 are therefore requested.

In paragraph 12 of the Office Action, Claim 15 was rejected under 35 USC 103(a) over Stafford et al. in view of Toyoda.

Neither Stafford et al. nor Toyoda, taken singly or in combination, teach or suggest the limitations of Claim 12 from which Claim 15 depends. The additional limitations of Claim 15, when taken in combination with the limitations of Claim 12 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 15 are therefore requested.

In paragraph 13 of the Office Action, Claim 17 was rejected under 35 USC 103(a) over Ura et al. in view of Iwasaki et al. US 2003/0017383.

Neither Ura et al. nor Iwasaki et al., taken singly or in combination, teach or suggest the limitations of Claim 1 from which Claims 17 depends. The additional limitations of Claim 17, when taken in combination with the limitations of Claim 1 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 17 are therefore requested.

In paragraph 14 of the Office Action, Claim 18 is rejected under 35 USC 103(a) over Stafford et al. in view of Miller et al. and further in view of Iwasaki et al.

Neither Stafford et al. nor Miller et al. nor Iwasaki et al., taken singly or in combination, teach or suggest the limitations of Claim 9 from which Claim 18 depends. The additional limitations of Claim 18, when taken in combination with the limitations of Claim 9 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 18 are therefore requested.

In paragraph 15 of the Office Action, Claim 19 is rejected under 35 USC 103(a) over Stafford et al. in view of Iwasaki.

Neither Stafford et al. nor Iwasaki, taken singly or in combination, teach or suggest the limitations of Claim 12 from which Claim 19 depends. The additional limitations of Claim 19, when taken in combination with the limitations of Claim 12 are also believed to be not obvious and patentable. Withdrawal of the rejection, and reconsideration and allowance of Claim 19 are therefore requested.

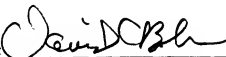
Concluding Remarks

While the art cited by the Examiner shows various layers surrounding cells and those layers have inherent thermal properties, there is no teaching or suggestion in the reference of selecting or adjusting thicknesses of the layers in combination with thermal conductivities of the layers to conform a cover (or outer layer surface or battery) to a combustible atmosphere temperature classification that specifies an outer surface temperature during a short circuit of an electrical energy storage cell. Support for the amendments to Claims 1, 9 and 12 can be found at least at page 9, lines 22-25 and at page 5, lines 25-26 of the specification.

The application appears to be in condition for allowance, and favorable action is requested. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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Enclosure: SUBSTITUTE DRAWING SHEET